



UNITED STATES BANKRUPTCY COURT

District of New Jersey

Caption in Compliance with D.N.J. LBR 9004-1(b)

Albert Russo  
Cn 4853  
Trenton, NJ 08650  
(609) 587-6888

In re:

Darryl B. Monticello

Debtor(s)

Order Filed on April 4, 2018  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 16-25565 / KCF

Hearing Date: 03/28/2018

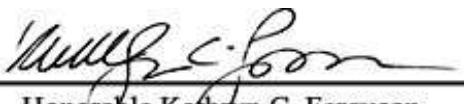
Judge: Kathryn C. Ferguson

Chapter: 13

### **ORDER CONFIRMING MODIFIED CHAPTER 13 PLAN**

The relief set forth on the following pages, numbered two (2) through three (3) is **ORDERED**.

**DATED: April 4, 2018**



Honorable Kathryn C. Ferguson  
United States Bankruptcy Judge

The modified plan of the debtor having been proposed to creditors, and a hearing having been held on the confirmation of such modified plan, and it appearing that the applicable provisions of the Bankruptcy Code have been complied with; and for good cause shown, it is

**ORDERED** that the modified plan of the above named debtor, dated 02/06/2018, or the last amended plan of the debtor be and it is hereby confirmed. The Standing Trustee shall make payments in accordance with 11 U.S.C. § 1326 with funds received from the debtor.

**ORDERED** that the plan of the debtor is confirmed to pay the Standing Trustee for a period of 38 months.

**ORDERED** that the debtor shall pay the Standing Trustee, Albert Russo, based upon the following schedule, which payments shall include commission and expenses of the Standing Trustee in accordance with 28 U.S.C. § 586:

\$6,147.00 PAID TO DATE

\$413.00 for 19 months beginning 04/01/2018

**ORDERED** that the case is confirmed with a calculated plan funding of \$13,994.00. General unsecured creditors are scheduled to receive a pro-rata dividend of funds available.

**ORDERED** that the Standing Trustee shall be authorized to submit, ex parte, an Amended Confirming Order, if required, subsequent to the passage of the claims bar date(s) provided under Fed. R. Bank. P. 3002.

**ORDERED** that the debtor's attorney be and hereby is allowed a fee pursuant to the filed 2016(b) Statement. Any unpaid balance of the allowed fee shall be paid to said attorney through the Chapter 13 plan by the Standing Trustee.

**ORDERED** that if the debtor should fail to make plan payments or fail to comply with other plan provisions for a period of more than 30 days, the Standing Trustee may file, with the Court and serve upon the Debtor and Debtor's Counsel, a Certification of Non-Receipt of Payment and request that the debtor's case be dismissed. The debtor shall have fourteen (14) days within which to file with the Court and serve upon the Trustee a written objection to such Certification.

**ORDERED** that to the extent Section 7 of the debtor's plan contains motions to avoid judicial liens under 11 U.S.C. § 522(f) and/or to avoid liens and reclassify claims in whole or in part, such motions are hereby granted, except as specified below:

NO EXCEPTIONS

**ORDERED** that upon completion of the plan, affected secured creditors shall take all steps necessary to remove of record any lien or portion of any lien discharged.

**ORDERED** that the Standing Trustee is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. § 1305(a).

**ORDERED** that the claim of Ally Capital, court claim #4-1, will be paid as if in the plan, and the Trustee is authorized to pay such claim.

**ORDERED** as follows:

Debtor shall provide a 2017 1099 form to the Trustee by April 15, 2018.

**Certificate of Notice Page 4 of 4**  
**United States Bankruptcy Court**  
**District of New Jersey**

In re:  
 Darryl B. Monticello  
 Debtor

Case No. 16-25565-KCF  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf903

Page 1 of 1  
 Total Noticed: 1

Date Rcvd: Apr 04, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 06, 2018.

db Darryl B. Monticello, 419 Arbutus Dr, Point Pleasant Beach, NJ 08742-3102

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 NONE.

TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

**Meeting of Creditor Notices only (Official Form 309):** Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 06, 2018

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 4, 2018 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
 Denise E. Carlon on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,  
 SOLELY AS TRUSTEE HEREUNDER AND NOT IN ITS INDIVIDUAL CAPACITY FOR THE BENEFIT OF THE  
 CERTIFICATEHOLDERS OF THE CWABS INC., ASSET-BACKED CERTIFICAT dcarlon@kmllawgroup.com,  
 bkgroup@kmllawgroup.com  
 John R. Morton, Jr. on behalf of Creditor Ally Servicing LLC ecfmail@mortoncraig.com,  
 mortoncraigecf@gmail.com  
 John R. Morton, Jr. on behalf of Creditor Ally Capital ecfmail@mortoncraig.com,  
 mortoncraigecf@gmail.com  
 Marc C. Capone on behalf of Debtor Darryl B. Monticello mcapone@caponeandkeefe.com,  
 docs@caponeandkeefe.com  
 Rebecca Ann Solarz on behalf of Creditor The Bank of New York Mellon as Trustee for CWABS,  
 Inc. Asset-Backed Certificates, Series 2006-11 rsolarz@kmllawgroup.com  
 Rebecca Ann Solarz on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,  
 SOLELY AS TRUSTEE HEREUNDER AND NOT IN ITS INDIVIDUAL CAPACITY FOR THE BENEFIT OF THE  
 CERTIFICATEHOLDERS OF THE CWABS INC., ASSET-BACKED CERTIFICAT rsolarz@kmllawgroup.com  
 TOTAL: 7